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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 106

01/14/2021 Authored by Davnie and Olson, L., The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy

1.1 A bill for an act
1.2 relating to unemployment insurance; removing Social Security and Social Security
1.3 disability offsets; amending Minnesota Statutes 2020, section 268.085, subdivisions
1.4 4, 4a.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 268.085, subdivision 4, is amended to read:

1.7 Subd. 4. Social Security old age insurance benefits. (a) If all of the applicant's wage
1.8 credits were earned while the applicant was claiming Social Security old age benefits, there
1.9 is no deduction of the Social Security benefits from the applicant's weekly unemployment
1.10 benefit amount.

1.11 (b) ~~Unless~~ When paragraph (a) ~~applies, 50 percent~~ does not apply, none of the weekly
1.12 equivalent of the primary Social Security old age benefit the applicant has received, has
1.13 filed for, or intends to file for, with respect to that week ~~must~~ may be deducted from an
1.14 applicant's weekly unemployment benefit amount.

1.15 (c) Any applicant aged 62 or over is required to state when filing an application for
1.16 unemployment benefits and when filing continued requests for unemployment benefits if
1.17 the applicant is receiving, has filed for, or intends to file for, primary Social Security old
1.18 age benefits.

1.19 (d) Information from the Social Security Administration is conclusive, absent specific
1.20 evidence showing that the information was erroneous.

1.21 (e) This subdivision does not apply to Social Security survivor benefits.

1.22 EFFECTIVE DATE. This section is effective retroactively from January 1, 2021.

2.1 Sec. 2. Minnesota Statutes 2020, section 268.085, subdivision 4a, is amended to read:

2.2 Subd. 4a. **Social Security disability benefits.** (a) An applicant who is receiving, has
2.3 received, or has filed for primary Social Security disability benefits for any week is ineligible
2.4 for unemployment benefits for that week, unless:

2.5 (1) the Social Security Administration approved the collecting of primary Social Security
2.6 disability benefits each month the applicant was employed during the base period; or

2.7 (2) the applicant provides a statement from an appropriate health care professional who
2.8 is aware of the applicant's Social Security disability claim and the basis for that claim,
2.9 certifying that the applicant is available for suitable employment.

2.10 (b) If an applicant meets the requirements of paragraph (a), clause (1), there is no
2.11 deduction from the applicant's weekly benefit amount for any Social Security disability
2.12 benefits.

2.13 (c) If an applicant meets the requirements of paragraph (a), clause (2), there must be
2.14 deducted from the applicant's weekly unemployment benefit amount ~~50 percent~~ none of the
2.15 weekly equivalent of the primary Social Security disability benefits the applicant is receiving,
2.16 has received, or has filed for, with respect to that week.

2.17 If the Social Security Administration determines that the applicant is not entitled to
2.18 receive primary Social Security disability benefits for any week the applicant has applied
2.19 for those benefits, then this paragraph does not apply to that week.

2.20 (d) Information from the Social Security Administration is conclusive, absent specific
2.21 evidence showing that the information was erroneous.

2.22 (e) This subdivision does not apply to Social Security survivor benefits.

2.23 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2021.